

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, a
Pennsylvania corporation,

Plaintiff,

V.

DISCOVER FINANCIAL SERVICES,
a Delaware corporation; DISCOVER
BANK, a Delaware chartered bank;
DFS SERVICES LLC, a Delaware limited liability
company; and DISCOVER PRODUCTS, INC.,
a Utah corporation,

Defendants.

Case Number: 1:08-cv-2187

Judge David H. Coar

Magistrate Judge Sidney I. Schenkier

PROPOSED SCHEDULING ORDER (“PHASE I”)

1. DISCOVERY

The following time limits and deadlines shall be applicable, in the event the Court deems Phase One issues involve genuine issues of material fact:

- A. All disclosures required by Rule 26(a)(1) and consistent with Phase One of the litigation shall be made on or before July 3, 2008.
- B. Any amendments to pleadings or actions to join other parties shall be filed on or before August 15, 2008.
- C. The cut-off of fact discovery is February 24, 2009.
- D. Plaintiff shall disclose expert testimony pursuant to Rule 26(a)(2) on or before March 2, 2009.

Defendants shall disclose expert testimony pursuant to Rule 26(a)(2) on or before April 1, 2009.

- E. The parties may depose the other side's expert at anytime prior to May 28, 2009.
- F. Plaintiff shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to April 15, 2009.

Defendants shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to April 29, 2009.

G. The parties shall have until May 28, 2009 to depose the opposing party's rebuttal expert.

2. MOTIONS

Any dispositive motions to be filed on or before April 24, 2009.

3. FINAL TRIAL PRETRIAL ORDER AND CONFERENCE

The final pretrial order shall be filed on or before June 26, 2009.

The final pretrial conference will be held on ____ at ___. (TO BE SET BY COURT AT RULE 16 CONFERENCE)

4. TRIAL

Trial is set in this matter on ____ at 10:00 a.m. (TRIAL DATE WILL BE SET BY COURT AT THE RULE 16 CONFERENCE)

5. STATUS HEARINGS

A further status hearing/preliminary pretrial conference should be held on ____.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

DISCOVER FINANCIAL SERVICES,
DISCOVER BANK, DFS SERVICES LLC, and
DISCOVER PRODUCTS, INC.

By: s/Daniel I. Graham, Jr.
One of Its Attorneys

By: ____s/Samuel Mendenhall
One of Their Attorneys

Richard H. Nicolaides, Jr. (No. 6207460)
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I hereby attest that I have signed this PROPOSED SCHEDULING ORDER ("PHASE I") on behalf of Mr. Mendenhall, one of the attorneys for Discover Financial Services, Discover Bank, DFS Services LLC, and Discover Products, Inc., with his consent and that this attestation is executed this 19th day of June 2008, at Chicago, Illinois.

By: s/Daniel I. Graham, Jr.
Daniel I. Graham, Jr.

One of the attorneys for
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

BATES & CAREY LLP
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NOTICE OF FILING

TO: Kimball R. Anderson
Samuel Mendenhall
Giel Stein
WINSTON & STRAWN LLP
35 West Wacker Drive - Suite 4100
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on June 19 2008, we electronically filed the **Proposed Scheduling Order ("Phase I")**, a copy of which is attached hereto and served upon you.

CERTIFICATE OF SERVICE

I, Daniel I. Graham, Jr., an attorney, certify that I caused the above-named document to be served upon you by depositing the same in the U.S. Mail, First Class, with postage pre-paid from 191 North Wacker Drive, Chicago, IL 60606 before 5:00 p.m. on June 19, 2008. This document was electronically filed on June 19, 2008.

Date: June 19, 2008

By: s/Daniel I. Graham, Jr.

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